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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,995	09/25/2000	Karl-ulrich Stein	071308.0945 (1998P01421WO	2572
31625 BAKER BOTT	7590 12/23/200 S L.L.P.	EXAMINER		
PATENT DEPA		HAMILTON, LALITA M		
98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039		00	ART UNIT	PAPER NUMBER
,			3691	
			MAIL DATE	DELIVERY MODE
			12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1)⊠ Responsive to communication(s) filed on 15 October 2008. 2a)⊠ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)⊠ Claim(s) ≥ 15 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6)□ Claim(s) ≥ 15 is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No. 3.□ Copies of the certified copies of the priority documents have been received in Application No. 4 See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)					
Listia M. Hamilton 3691	Office Action Summers	09/646,995	STEIN, KARL-ULRICH					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exercision of time may be a subside under the provisions of 2 CPR 1.13(a), in no event, nowewer, may a reply be timely find: If INO period for reply is specified above, the maintrum statutory period will apply and will opper SN (6) MON ITS from the maining date of this communication. Feature to reply the specified above, the maintrum datutory period will apply and will opper SN (6) MON ITS from the maining date of this communication. Feature to reply within this od or oxidence benefit from the maining date of this communication. Feature to replace the application is one of the communication. Status Status Status Status All S claim(s) 2.15 is/are pending in the application. 4) Claim(s) 3.15 is/are objected to by the Examiner. 7) Claim(s) 3.15 is/are objected to by the Examiner. 10) The drawing	Office Action Summary	Examiner	Art Unit					
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application								
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DETAILED ACTION

This action is in response to the amendment filed on October 15, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikander (6,029,151) in view of Jacobsen (6,486,862), as set forth in the previous Office Action.

With regard to newly added claims 14-15, Nikander discloses the invention substantially as claimed; however, Nikander does not disclose the Internet compatible communication terminal device is not connected to the Internet access network.

Jobcobsen teaches a method for displaying information in a mobile device comprising the Internet compatible communication terminal device is not connected to the Internet access network (card reader can be connected by wireless modem, interface, etc.--

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col.17, lines 18-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Jacobsen within Nikander for the motivation of using the mobile device to access the Internet and using the card reader to pay for access.

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Response to Arguments

Applicant's arguments filed October 15, 2008 have been fully considered but they are not persuasive. In response, to the Applicant's argument that there is no motivation to combine the Nikander and Jacobsen references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of the primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (SSPA 1971). References are evaluate by they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case Nikander discloses a method for performing electronic transactions. Jacobsen teaches a device that may be used to access the Internet and card reader to pay for access. The two references are analogous art; therefore, the Examiner found motivation to combine.

The Applicant argues that neither reference discloses or teaches a connection between the Internet compatible communication device an upon an Internet access

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request a relationship between the interface and the Internet compatible communication device is established. In response, Jacobsen teaches a wireless device having a card reader whereby the card can be a PCMCIA card such as a modem including a wireless reader or data storage card (col.16, lines 10-57 and col.17, lines 18-22). Therefore, the Examiner is interpreting the combination of Nikander and Jacobsen as reading onto the invention substantially as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/ Primary Examiner, Art Unit 3691